

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

Crl. Misc. M-9476 of 2017 (O&M)

Date of Decision: August 29, 2018

Vijeta and another

...Petitioners

Versus

The State of Punjab and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Dr. Anmol Rattan Sidhu, Senior Advocate with
Mr. Raghav Gulati, Advocate
for the petitioners.

Ms. Rajni Gupta, Senior DAG Punjab.

Mr. S.P.S. Sidhu, Advocate
for respondents No.2 and 3.

JAISHREE THAKUR, J. (Oral)

This is a petition that has been filed under Section 439(2) Cr.P.C. for cancellation of anticipatory bail granted to respondents No.2 and 3 by both the impugned orders dated 14.02.2017 passed by the Additional Sessions Judge, Moga in FIR No.163 dated 15.09.2016, under Sections 376, 511, 498-A, 406, 120-B, 354-A, 354-B of Indian Penal Code, registered at Police Station City Moga.

Dr. Anmol Rattan Sidhu, learned Senior counsel appearing

on behalf of the petitioners, assisted by Mr. Raghav Gulati, Advocate vehemently argues that by both the impugned orders dated 14.02.2017 anticipatory bail has been allowed to respondents No.2 and 3 without taking note of the fact that the complainant has been subjected to physical torture and cruelty. It is also contended that both the impugned orders have been passed, without any recoveries having been made.

On the other hand, learned counsel appearing on behalf of respondents No.2 and 3 herein submits that the instant petition is not maintainable, as there is nothing on record to show that respondents No.2 and 3 have misused the concession of bail that has been allowed to them.

Per contra, learned counsel appearing on behalf of the respondent-State submits that investigation in the matter is complete, as the challan has been presented and charges have already been framed in the matter.

On the asking of the court, learned State counsel submits that no complaint has been received regarding the misuse of concession of bail that has been allowed.

I have heard learned counsel for the parties, apart from perusing the pleadings.

In view of the facts that investigation in the matter is complete, as the challan has been presented and charges have been framed, apart from the fact that no complaints have been made by the complainant regarding misuse of concession of bail by respondents No.2 and 3, after the anticipatory bail has been allowed to them, no ground is

made out for cancellation of their bail.

Accordingly, the petition in hand is hereby dismissed.

August 29, 2018

vijay saini

(JAISHREE THAKUR)

JUDGE

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No